

Application Serial No: 10/518,136  
Responsive to the Advisory Action of 8/6/2008 and the final Office Action of 4/7/2008

**REMARKS**

This Amendment is in place of the June 30, 2008 Amendment and responds to the Advisory Action mailed on August 6, 2008 and the Office Action mailed on April 7, 2008. Claims 3, 12-15 and 20 are amended. Claim 3 is amended editorially. Claim 3 is further amended and is supported, for example, in the specification on page 5, lines 11-30. Claims 12-15 and 20 are amended to track the amendments to claim 3. No new matter is added. Claims 3, 12-15 and 20 are pending.

**Claim Objections:**

Claim 3 is objected to for informalities. Claim 3 is amended and includes the correct status identifier. Withdrawal of this objection is requested.

**§103 Rejections:**

Claim 3 is rejected as being unpatentable over White (US Patent Publication No. 2005/0001175) in view of Gunpei (JP 06-317526). This rejection is traversed.

Claim 3 is directed to a system for detecting intensity of fluorescence generated from a substance that is excited by light that requires, among other features, a single light source emitting light having one wavelength and a fluorometer. The fluorometer, comprises n (n is an integer of not less than 2) narrow-band-pass filters for transmitting light in different limited wavelength regions of the fluorescence. The n narrow-band-pass filters are arranged to each have a different incident angle of light and share a similar transmittance configuration.

The combination of White and Gunpei does not teach or suggest these features. White is directed to a dual wavelength optical analyzer in which a sample is irradiated with two laser beams emitted from two light sources at different wavelengths, and two types of fluorescence with different wavelengths generated from the sample are separated through a filter and detected. Gunpei is directed to a multiple-wavelength light measuring instrument that determines a fluorescence intensity ratio at each wavelength detected with two individual photomultipliers (17 and 19) (see paragraph [0007] and Figure 7). Nowhere does White or Gunpei contemplate irradiating a substance with light emitted from a single light source, and taking a general view of a spectrum in a wide

Application Serial No: 10/518,136

Responsive to the Advisory Action of 8/6/2008 and the final Office Action of 4/7/2008

length region of the fluorescence generated from the substance using a plurality of narrow-band-pass filters and a plurality of light-receiving portions. Accordingly, nowhere does White or Gunpei teach or suggest a system for detecting intensity of fluorescence comprising a single light source emitting light having one wavelength, as required by claim 3.

Also, White teaches that the fluorescence of light from different light sources is separated by using a plurality of filters that differ significantly in the wavelength interval of the transmission peak wavelengths. Gunpei teaches the use of two different photomultipliers to separate two types of fluorescence with a large wavelength interval. Nowhere does White or Gunpei suggest using n narrow-band-pass filters that share a similar transmittance configuration and are arranged to each have a different incident angle of light, as required by claim 3. For at least these reasons claim 3 is not suggested by the combination of White and Gunpei and should be allowed.

Claim 12 is rejected as being unpatentable over White in view of Gunpei and further in view of Tatsuro (JP 2002-350732). Claim 12 depends from claim 3 and is allowable for at least the same reasons discussed above.

Claim 13 is rejected as being unpatentable over White in view of Gunpei and further in view of Shigero (JP 2002-181706). Claim 13 depends from claim 3 and is allowable for at least the same reasons discussed above.

Claim 14 is rejected as being unpatentable over White in view of Gunpei and further in view of Kohei (JP 2000-304699). Claim 14 depends from claim 3 and is allowable for at least the same reasons discussed above.

Claims 15 and 20 are rejected as being unpatentable over White in view of Gunpei and further in view of Hidekazu (JP 2001-124696). Claims 15 and 20 depend from claim 3 and is allowable for at least the same reasons discussed above.

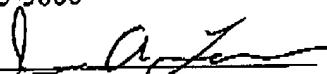
Application Serial No: 10/518,136  
Responsive to the Advisory Action of 8/6/2008 and the final Office Action of 4/7/2008

Conclusion:

Applicants respectfully assert that claims 3, 12-15 and 20 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800

By: 

James A. Larson  
Reg. No. 40,443

Dated: September 5, 2008

DPM/JAL/ahk